26 November 2007

Robert F. Bennett
United States Senator
United States Senate
Washington, DC 20510-4403

Sent via Fax to: 202-228-1168

RE: Your letter of 30 October 2007

Dear Senator Bennett:

Thank you for your response to my request for your intervention on behalf of myself and other terminated members of the Mixed Blood Uintas of Utah and their descendants. I understand and respect your reluctance to intervene with pending federal court litigation. Because my earlier letter was not specifically aimed at seeking intervention in our pending litigation, I feel the need to clarify my request to give you a better understanding of our objectives.

I and a number of other terminated Mixed Blood Uintas appreciate your genuine interest and dedication to working for fairness and justice for all the citizens of Utah, and I am hopeful that as you learn more about the facts behind the involuntary termination of our people, you will feel compelled to look further into the matter of our present and continuing terminated status. As I am sure you must be aware, our current litigation is focused on the issue of accounting for pre-termination assets and resources; our request for your attention is specifically not a request for intervention in the litigation.

Rather, this is a request for your support of our journey for justice to gather official documents and records relative to the termination of my people. This journey comes as a result of having received many responses similar to your own, indicating that the "official record" shows we were legally and voluntarily terminated. Since I was a minor child at the time, I was not privy to the events, agreements, and processes that surrounded the severance of my membership in the Ute Tribe and the termination of my trust relationship with the federal government. My experience is not unique; many of the terminated Mixed Blood members of the Tribe were minors who could not participate in the process and had no voice in the decision-making

process. By the time we reached adulthood, our termination was considered fait accompli and the records that accompanied the action were and have continued to be treated as incontrovertible and unassailable. If those records are, in fact, accurate and complete, then there is no harm in helping us gain access to them. A review would merely affirm that the events and activities surrounding our termination were legitimate, properly documented, and fully disclosed, and your assistance will have helped to put the matter to rest once and for all. On the other hand, if a review reveals discrepancies, omissions, or errors in the record, particularly discrepancies, omissions, or errors that ultimately led to our involuntary termination, then you have will been instrumental in helping to reveal and correct a tremendous wrong against hundreds of members of your own constituency.

While we are willing to follow established protocols, we have been continually stymied in our attempts to obtain records and other information pertinent to our situation. At Senator Hatch's urging and encouragement, we have just recently requested that the BIA produce any and all official records connected to our termination under the enactment of the Ute Partition Act. As you are surely aware, there is likely to be a significant length of time involved in having the BIA research the prelude and outcome of the purported Ute tribe termination vote. Accompanying this letter is a copy of our BIA request; we ask that you join Senator Hatch in supporting our request by contacting the BIA directly on our behalf to emphasize the need for an expedited records search to facilitate determination of our actual status.

In addition, since I am sure you will be interested in learning more of the details surrounding the date and nature of the vote to terminate our federal trust status, I invite you to visit our web site (*http://www.undeclaredutes.net/*) to review background information, status reports, individual biographies of some of the 490 illegally terminated members of our group, etc. Please also look at our "veterans' page" to see the stories of our people who have willingly fought to defend the United States of America in war time. Now the United States should be defending our veterans and helping them and their families.

For more detailed information about specific events that led up to the implementation of the Ute Partition Act and the people involved, I recommend the scholarly and authoritative work, *Termination's Legacy: the Discarded Indians of Utah* (R. Warren Metcalf, University of Nebraska Press, 2002).

I must warn you, Senator Bennett: the facts revealed in Professor Metcalf's book show the termination-era congressional and cultural leaders of Utah as people determined to carry out their agenda regardless of the potential of great harm to those affected. I personally think they were acting out of a sincere but horribly misguided belief that termination was the best way of helping the Indians to help themselves. Now that the truth has come to the surface – more than 50 years later – truth that shows exactly what happened to the Mixed Blood Uintas and why, it is easy to see why the local and national political and religious leaders felt and acted the way they did at that time.

It is much more difficult to understand why only the Mixed Blood Uintas of Utah remain terminated. All other tribes terminated under this policy have been restored by legislation. Why were all these other tribes restored? Their restoration was "phase one" of a still-continuing effort to halt and repair the extensive and persistent damage done by the ill-conceived termination policy. This damage has been repeatedly and thoroughly documented, and has had the ultimate effect of reversing the failed Federal termination policy for virtually all other terminated tribes; the individual terminated members of these tribes have had their federal trust status reinstated. Do the Mixed Blood Uintas deserve anything less?

As a current leader in Congress, and as a champion of human rights and equal treatment under the law, I'm sure you would hate to see any of the citizens in your constituency singled out for harmful and discriminatory treatment, and I'm sure you see how shameful this is: the Mixed Blood Uintas were singled out as guinea pigs for a federal program that has since been absolutely repudiated, and now – although all of the other victims of this insidious experiment have had their status restored, the people who have suffered the longest under this horrible policy have yet to be restored to their former standing. The Mixed Blood Uintas did not volunteer for termination; all the other

tribes who were terminated have asked for – and been granted – restoration of their trust status. Why this single exception?

As one of the successors to the Utah Congressional delegation of the 1950s and 1960s, I know you must hate to see any members of your constituency suffering needlessly, especially when you have the power to help ease that suffering. When hundreds or thousands are suffering, it must be even more difficult for you to bear. With your help – particularly your ability to reach others who can make a difference – this suffering could end relatively quickly and the State and community leaders of Utah could regain their reputation of truly caring about everyone who calls Utah "home."

While it is impossible to bring back those who have died from disease and poverty as a result of their wrongful termination, it is still possible to right at least some of the wrongs. This would allow those who remain, as well as the children and grandchildren of the original 490, to regain a little of what was lost and move forward with the hope of being able to survive in the future.

Our attorney, Dennis G. Chappabitty, will work with your staff in Washington, D.C. to schedule a meeting with you for the week of December 7 through 14 for the purpose of bringing you an update on the *Felter v. Kempthorne* civil action and to discuss with you ways in which you and your staff can be helpful without violating the penumbra of our pending litigation. We truly appreciate your care and concern for us, and hope to be able to work hand-in-hand with you as we pursue our journey for accountability and fairness.

Thank you in advance for your efforts on our behalf.

Sincerely,

Oranna Bumgarner Felter

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